

Appl. No. 10/621,859
Amdt. dated January 24, 2006
Reply to Office action of December 21, 2004

REMARKS

Reconsideration is respectfully requested. Claims 1, 22 and 25 are amended herein. Claims 6 and 23 are canceled. Claims 14-21 were previously canceled. The remaining claims are not amended in this response.

A request for continue examination is submitted, together with a request for 3 month suspension of action.

A declaration by both inventors under 37 CFR 1.131 is submitted herewith. The intent and purpose of this declaration is to show invention prior to the date of the ASHRAE Journal document relied on to reject the claims.

Claims 1, 2, 5-13 and 22-29 are rejected under 35 U.S.C. §103(a) as allegedly being anticipated over O'Halloran et al (U.S. 5,992,161). Applicants respectfully traverse.

O'Halloran et al show a dehumidifier. The office action discusses functions of the O'Halloran device, all being directed mainly to dehumidification.

Applicants are not claiming a dehumidifier. Applicants claims are directed methods and processes of

- reducing moisture within a space in a construction project for the purpose preventing structural damage and/or the growth of mold or mildew to components with

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the space in the construction project

(claim 1)

- treating a space within a construction of a new home to preventing structural damage and/or the growth of mold or mildew

(claim 22)

- testing and treating a space within a construction of a new home to prevent structural damage and/or the growth of mold or mildew (claim 25)

O'Halloran does not teach or suggest that it is related to such processes or methods.

Further, applicants' claims include the steps of

- sealing the space of said construction project where said one or more points is located with a vapor barrier to provide an enclosed area for moisture removal (Claim 1)
- substantially sealing the space off with a vapor barrier relative to other space outside of the space being treated (Claim 22)
- substantially sealing the space off with a vapor barrier relative to other space outside of the space being treated (Claim 25)

O'Halloran et al does not teach or suggest such steps.

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Accordingly, it is submitted that claims 1, 2, 5, 7-13 and 22-29 are allowable.

Claims 1-5, 7-13, 22 and 24-29 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Munters, or in the alternative, as obvious under 35 U.S.C. §103(a) over Munters.

Applicants respectfully traverse. As noted above, applicants' claims include the concepts of

- sealing the space of said construction project where said one or more points is located with a vapor barrier to provide an enclosed area for moisture removal (Claim 1)
- substantially sealing the space off with a vapor barrier relative to other space outside of the space being treated (Claim 22)
- substantially sealing the space off with a vapor barrier relative to other space outside of the space being treated (Claim 25)

Munters neither teaches nor suggests such concepts, and it is therefore submitted that the claims are allowable.

Claims 1-13 and 22-29 are rejected under 35 U.S.C. §102(a) as allegedly being anticipated by ASHRAE Journal (Harriman et al) or in the alternative, under 35 U.S.C. §103(a) as obvious over that document.

Applicants respectfully traverse. Submitted herewith is a declaration by the inventors, Andrew Weisenberger and Robert

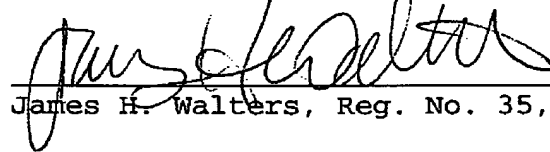
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Weisenberger, under 37 CFR 1.131, to show prior invention relative to the Harriman ASHRAE Journal. Applicants respectfully submit that Harriman ASHRAE Journal therefore does not qualify as prior art.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicants' attorney at 503-224-0115 if there are any questions.

Respectfully submitted,


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